

## MINUTES

### MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Monday, March 17, 2008

Council Chambers, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), B. Gardner, J. Goodwin, K. Holt, P. Kochenburger, B. Ryan

Members absent: R. Hall, P. Plante,

Alternates present: M. Beal, L. Lombard (arrived 7:20 p.m.), B. Pociask

Staff present: G. Padick (Director of Planning)

Chairman Favretti called the meeting to order at 7:04 p.m. and appointed alternates Beal and Pociask to act.

#### **Minutes:**

3/3/08- Gardner MOVED, Holt seconded, to approve the 3/3/08 minutes as written. MOTION PASSED UNANIMOUSLY.

3/13/08 Field Trip - Holt MOVED, Ryan seconded, to approve the 3/13/08 minutes as written. Goodwin, Favretti, Holt and Ryan in favor with all others disqualified.

#### **Scheduled Business:**

##### **Zoning Agent's Report**

Noted

#### **Old Business:**

1. **Resubdivision application, 9 Proposed lots off of Dodd Road (Quiet Meadow),**

##### **L. LaGuardia o/a File #1108-2**

Tabled due to a 4/21/08 scheduled Public Hearing.

#### **New Business:**

1. **Four Corners Sewer Study**

Padick summarized the information in the packet, and noted that a joint meeting with the Town Council for presentation of the Four Corner Sewer Study will be scheduled for in May.

2. **New Special Permit Application, Request to approve the use of off-site parking to increase restaurant occupancy at the Thirsty**

**Dog Pub, N. Eagleville Rd., File #930-7**

Holt MOVED, Gardner seconded, to receive the Special Permit application (File #930-7), submitted by Graham Scelfo, for accessory off-site parking for the Thirsty Dog Pub & Grill, on property located at 134 N. Eagleville Road, owned by O.M. & F. Sanderson, as shown on plans dated 3-11-08, and as described in other application submissions, and to refer said application to the staff for review and comments, and to set a Public Hearing for April 7, 2008. MOTION PASSED UNANIMOUSLY.

**3. Request for filing extension, Mulwood West Subdivision, File #1225-2**

Holt MOVED, Beal seconded, that the Planning and Zoning Commission, pursuant to Section 6.5 of the Subdivision Regulations, grant a second ninety-day extension for filing final subdivision plans for the Mulwood West Subdivision (File #1225-2). MOTION PASSED UNANIMOUSLY.

Holt MOVED, Pociask seconded, to add to the agenda under New Business, the application of the Estate of N.S. Green, Sr. MOTION PASSED UNANIMOUSLY.

**4. New 11 lot Subdivision Application, Wormwood Hill and Knowlton Hill Rds, Green o/a, File #1269**

Gardner MOVED, Holt seconded, to receive the subdivision application (File #1269), submitted by the Estate of N. S. Green, Sr., for 11 lots, on property located on Wormwood Hill and Knowlton Hill Roads, owned by the applicant, as shown on plans dated January 24, 2008, and as described in other application submissions, and to refer said application to the staff, Town Council, Open Space Preservation Committee, Parks Advisory Committee, Conservation Commission, and Agriculture Committee for review and comments, and to set a Public Hearing for April 7, 2008. MOTION PASSED UNANIMOUSLY.

**Reports of Officers and Committees:**

Favretti noted the next Regulatory Review Committee Meeting will be scheduled later this month, and members will be notified. Holt noted that she resigned as Chair of the Regional Planning Commission, but remains a member representing the Town. Favretti noted that Zimmer's resignation has left an opening on both the Traffic Advisory Committee and the Town University Relations Committee. Beal volunteered to be a

representative on the Town University Relations Committee and Gardner volunteered to be representative on the Traffic Advisory Committee. By consensus, the PZC designated them.

**Communications and Bills:**

Items were noted.

**Public Hearing:**

**PZC-Proposed revisions to the Zoning Map and Zoning Regulations, File #907-30**

Chairman Favretti opened the Public Hearing at 7:32 p.m. for the above application. Alternate Lombard disqualified himself. Members present were R. Favretti, B. Gardner, J. Goodwin, K. Holt, P. Kochenburger, B. Ryan, and alternates M. Beal and B. Pociask. Favretti appointed Beal and Pociask to act. Padick read the Legal Notice as it appeared in the Chronicle on March 4 and March 12, 2008. Padick read into the record a 3-6-08 letter from Kevin McDonald, Chairman of the Regional Planning Commission of the Windham Regional Council of Governments. Padick listed the following communications that have been received and distributed to all members of the Planning and Zoning Commission: a 3-4-08 letter from Joseph J. Morrone, 11A Heritage Square; a 3-13-08 memo with attachments from Gregory J. Padick, Director of Planning; a 3-13-08 letter from Dennis O'Brien, Mansfield Town Attorney; a 3-14-08 letter from C. Stearns, 440 Mansfield City Road; and a 3-16-08 letter from C. Pellegrine, 269 Clover Mill Road.

Padick summarized the 1/30/08 proposed revisions to the Zoning map and zoning regulations. He noted that copies of the proposed revisions and legal notice had been mailed to all property owners within the area of proposed rezoning and to all property owners within 500 feet of proposed areas of rezoning. His presentation focused on the key elements of the proposal: the rezoning of three parcels of land along Pleasant Valley Road and Mansfield City Road from Industrial Park and Professional Office-3 zones to Pleasant Valley Commercial/Agriculture, Pleasant Valley Residence/Agriculture and Rural Agricultural Residence-90 zones. He identified these areas on a display map, and he outlined the underlying reasons for drafting the proposed revisions. He specifically noted a 7-2-07 Pleasant Valley Road Area Land Use/Zoning Analysis report and map that he prepared with chairman Favretti, who is a registered landscape architect/site planner. Padick

said that he has included additional information in Commission members' packets (also available to the public), such as portions of PZC minutes and meeting notes from 2006 and 2007 regarding previously proposed revisions for the subject area and minutes of the discussions held by the PZC with the Town Fire Marshal, Fire Chief, Resident State Trooper, Chairman of the Board of Education, Superintendent of Schools, and Jim Gibbons, a land use planner with UConn's Cooperative Extension Service; 2007 and 2008 PZC Regulatory Review Committee minutes; and portions of the 2006 Plan of Conservation and Development that are related to the 1/30/08 proposed revisions.

Chairman Favretti then asked for questions and comments from the public.

Alexinia Y. Baldwin, of 3 Charter Oak Square, asked for clarification on the current zoning and the proposed zoning on the parcel across from Freedom Green. Baldwin questioned if promoting public transportation in this areas is part of this proposal. Padick responded that public transportation is not part of the proposed zoning revisions. Any public transportation or road issues would be addressed at the time of any application for development.

Jean Meddick, of 3a Charter Oak Square, expressed concern for traffic on the narrow roads in this area, and if public transportation were to serve the area, there would not be enough road-width to accommodate sidewalks, a feature of public transportation. She wondered who would pay for the road widening. She also asked Padick for clarification on some property lines and parcels, which he provided.

Michael Orenstein, of 11a Charter Oak Square, asked for clarification on the site map, and questioned what the change in zone would allow for uses in the area. He also wondered if development is to be set back from the road, back by the tree-line. Padick addressed his questions.

Dennis Flanagan, 205 Pleasant Valley Road, asked if there are any projects currently being considered for this area. Padick noted that he was not aware of any specific proposals.

Chairman Favretti asked for further questions and comments from Commission members and the public.

Kari L. Olson, from the Law Firm Murtha Cullina LLP, representing the Hussey family, submitted to the Commission a 3-17-08 Notice of Protest to Proposed Zoning Revisions. Olson also submitted a 3-17-08 letter outlining 8 reasons why the Husseys protest this proposal. Olson

elaborated on each of the eight reasons cited in the 3-17-08 letter and added that the Husseys are willing to work with the Town to address their concerns.

Michael Orenstein, of 11a Charter Oak Square, expressed concern that additional multi-family housing would negatively impact the area by adding more strain to the road and school systems.

Sandy Dunnack, 220 Pleasant Valley Road, questioned whether existing 150 foot setback requirements from existing residential uses would apply in the proposed PVCA and RAR-90 zones. She asked if any negative impact would occur on the residential shallow wells from commercial activity. Padick agreed to respond to the setback issue in an update memo and related that potential impacts to surface and ground water are addressed by existing special permit approval criteria.

Noting no further comments or questions from the public, Padick explained to the Commission about the Notice of Protest submitted by attorney Kari L. Olson on behalf of the Hussey Family. It is his understanding that a 2/3 member vote would be needed to approve the proposed rezonings of the Hussey property. Olson noted that this Notice of Protest is new and pertains only to the current proposal, and that the Notice of Protest also would apply to the proposed rezoning of the Professional Office-3 zone.

A. Baldwin questioned if Freedom Green has to collectively submit a protest or if individuals can submit one. It was explained that the Husseys' Notice of Protest may apply to all 3 rezonings and that it may not be necessary for Freedom Green to submit a protest petition if they oppose the PO-3 rezoning. Padick related that he would be researching the protest petition and would report back to the PZC.

Gardner MOVED, Holt seconded, to continue the Public Hearing to April 21, 2008. MOTION PASSED, with all in favor and Lombard disqualified.

**Adjournment:**

Favretti declared the meeting adjourned at 8:35 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary

